

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

ELSA HALL, AS PERSONAL
REPRESENTATIVE OF THE ESTATE
OF ETHLYN LOUISE HALL AND AS
SUCCESSOR TRUSTEE OF THE
ETHLYN LOUISE HALL FAMILY
TRUST,

Plaintiff,

v.

SAMUEL HALL, JR. and HALL &
GRIFFITH, PC,

Defendants.

CIVIL NO. 3:11-CV-0054

RENEWED MOTION FOR RULING OR TO SET THIS MATTER FOR TRIAL

Defendants, Samuel Hall, Jr. and Hall & Griffith, PC, by and through their undersigned counsel, Robert L. King, Esq., respectfully move this Honorable Court to decide all pending motions and to set this matter for trial if issues remain to be decided.

This matter has been pending before this court since its filing in 2011. The case went to trial in 2015, resulting in a jury verdict in favor of the Defendants. Since that time, this matter has been appealed to the United States Court of Appeals for the Third Circuit and as far as the United States Supreme Court. The appellate process ultimately resulted in a mandate being issued by the U.S. Court of Appeals for the Third Circuit to the District Court of the Virgin Islands. The relevant mandate is located at docket number 476 filed on October 17, 2018.

Elsa Hall, etc. v. Hall, et al., Civil No. 3:11-CV-0054

RENEWED MOTION FOR RULING OR TO SET THIS MATTER FOR TRIAL

Page 2

The US Court of Appeals for the Third Circuit issued an opinion dated September 24, 2018, in which it vacated the Order of the District Court which dismissed the Estate's claims regarding tax liabilities, legal malpractice, and conversion. The Appellate Court affirmed the judgment against the Estate on its breach of fiduciary duty, fraud, and unjust enrichment claims and remanded the case in order for the judge to explain his reasoning for the dismissal of the malpractice and conversion claims. Since the remand, virtually nothing has been done by this Court to bring this matter to a conclusion.

Since the remand and mandate in 2018, Judge Gomez left the bench without writing an opinion that contained his reasoning for the dismissal of the legal malpractice and conversion claims, though he promised to do so. This case was reassigned to Judge Malloy on May 13, 2020.

It has now been five years since the date of that reassignment and notwithstanding the amount of time that has elapsed, very little has been decided by this Court in order to bring this matter to a conclusion. The mandate of the Third Circuit issued on September 24, 2018, has not been satisfied.

The following outstanding motions have been filed in this matter:

- [Doc. #487] Defendants' Motion for Summary Judgment for Dismissal of Plaintiff's Conversion Claim and Removal of Lis Pendens Against Defendant Hall's Property filed on October 28, 2021;
- [Doc. #488] Defendants' Memorandum of Law for Dismissal of Conversion Claim and Removal of Lis Pendens filed on October 28, 2021;
- [Doc. #500] Defendant's Motion for Summary Judgment for Dismissal of Plaintiff's Conversion Claim and Removal of Lis Pendens Against Defendant Hall's

Elsa Hall, etc. v. Hall, et al., Civil No. 3:11-CV-0054

RENEWED MOTION FOR RULING OR TO SET THIS MATTER FOR TRIAL

Page 3

Property filed on December 17, 2021;

- [Doc. #502] Defendants' Amended Memorandum of Law for Dismissal of Conversion Claim and Removal of Lis Pendens filed on December 17, 2021;
- [Docs. #239-240] Defendants' Motion for Partial Summary Judgment as to Count III of the Amended Complaint and Memorandum of Law in Support of Motion for Partial Summary Judgment Dismissing Count III filed on September 30, 2014;
- [Doc. #489] Defendants' Renewed Motion for Partial Summary Judgment Dismissing Count III as to Legal Malpractice filed on October 29, 2021;
- [Doc. #491] Defendant's Memorandum of Law in Support of Renewed Summary Judgment Motion to Dismiss Legal Malpractice Claim filed on October 29, 2021.
- [Doc. #512] Defendant Samuel Hall, Jr.'s Motion for Preference and Ruling on Pending Motions filed on September 6, 2023;
- [Doc. #515] Defendant Samuel Hall, Jr.'s Renewed Motion for Preference and Ruling on Pending Motions filed on May 16, 2024.

On September 23, 2024, this Court entered an Order denying Docs. #512 and #515 because the Supreme Court of the Virgin Islands declared the mandatory preference section of section 31(b) unconstitutional. While the Court held that it could not give Hall preference, the Court has not to date rendered a decision, though it has had ample time to do so.

Mr. Hall is now approaching 77 years old, has had a bout with cancer, and has been waiting far too long for this case to be concluded. The within motion is filed in the hope that a writ of mandamus will be unnecessary to obtain a definitive ruling in compliance with the mandate of the Third Circuit. It is respectfully requested that this Court rule on all pending motions so that this matter can be put on track for completion.

Elsa Hall, etc. v. Hall, et al., Civil No. 3:11-CV-0054

RENEWED MOTION FOR RULING OR TO SET THIS MATTER FOR TRIAL

Page 4

WHEREFORE, Defendants request that the Court rule on these outstanding Motions at its earliest practicable date or set this matter for trial.

Respectfully Submitted,

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DATED: May 12, 2025

By: /s/ Robert L. King, Esq.
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Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 12, 2025, I electronically filed the foregoing with the Clerk of the Court using the E-Filing system, which will send a notification of such filing to the following:

Andrew C. Simpson, Esq.
2191 Church Street, Suite 5
Christiansted, VI 00820

This document complies with the page or word limitation set forth in Rule 6-1(e).

BY: /s/ Robert L. King, Esq.